

LDC Section 12-121(j)

~~(j) Limited amendments to existing mine zoning approvals. Amendment to an existing mine zoning approval constituting a substantial change must be approved through the public hearing MEPD process; provided, however, a~~An existing mine, meeting the criteria set forth in section 12-121(a), may obtain a limited amendment to the underlying zoning approval for dewatering, ~~or~~ an extension of the mine duration, ~~and/or a depth increase within the previously approved mining footprint,~~ as follows:

(1) The mine operator must file an application on the form prescribed by the County along with the appropriate fee. Review of the application will be limited to the contents of the application which must include; ~~at minimum, those items set forth in section 12-121(g); and~~

a. For dewatering: those items set forth in section 12-121(g) and submittals addressing the issues set forth in section 12-117(c).

b. for an extension of mine duration: those items set forth in section 12-121(g) and

1. A narrative substantiating the need for the extension and its proposed duration.
2. Submittal substantiating compliance with the following additional criteria:
 - i. Continued consistency with the Lee Plan.
 - ii. Compatibility with existing and approved development in the surrounding area.
 - iii. Whether the extension will place an unreasonable burden on essential public facilities and infrastructure.

3. Documents establishing that the extension request was filed at least six months prior, but not more than one year before, the expiration date set forth in the underlying zoning approval; and, that the mine was in active physical operation at the time of the request.

c. For a depth increase within the approved mine footprint only:

1. An updated traffic impact statement that addresses traffic associated with the increased production of mining that is projected to result from the proposed depth increase. The updated traffic impact statement will include an updated level of service analysis and evaluation of site-related improvements, if any, necessitated by the increased production.

2. Integrated surface and groundwater modeling must be provided that analyzes the impacts of the additional depth of the mine on groundwater and surface water resources and natural systems. The analysis must also include the following:

i. Delineation of all lithologies underlying the site down to and including the first regional confining beds;

ii. Documentation establishing that the proposed depth of excavation will not breach an aquaclude or confining layer;

iii. Evaluation of historic water level data for the mine including identification of any trends or impacts from mining operations; and

iv. Description of the monitoring system for surface and groundwater levels and quality to assess any degradation of surface and groundwater resources resulting from the depth increase. The monitoring system must address the travel times to wellfields and residential wells. The application for a depth increase must include all available monitoring data for three years prior to the date of application, and will assess the change in flow, timing of travel, and direction of surface and groundwater on-site and in the impacted area resulting from the increased depth.

3. Soil boring analysis that demonstrates the depth of limerock materials and the depth of the confining layer.

4. A list of surrounding property owners and map in accordance with section 34-202(a)(8) and (9).

5. A narrative describing any impacts the proposed depth increase will have on:

i. mine operations and equipment used at the mine, to include updated quantity of material to be excavated, changes in approved hours of operation (if any), and an updated hazardous materials emergency plan;

ii. existing neighboring uses;

iii. hydrogeologic conditions on-site and within the impact area, as reflected in the modeling required by section 12-121(j)(1)c.2. above;

iv. wetlands and watershed protection;

v. wildlife conservation; and

vi. transportation routes including anticipated traffic to and from the mine, based upon the updated traffic impact statement required by section 12-121(j)(1)c.1. above.

6. A complete copy of existing permits, pending permit applications, and correspondence with federal and state permitting agencies in accordance with section 12-114.

(2) The request for a limited amendment under this section may only be filed if the underlying zoning is valid at the time the request is filed.

(3) The request for a limited amendment must be processed in accord with the procedure set forth in sections 34-83 and 34-145, including the review criteria, regarding Hearing Examiner and Board review and action on the request.

~~(4) This subsection may not be expanded to include other amendments to the underlying zoning approval, even if filed in conjunction with the request to dewater or extend the mine duration.~~ Amendments to bring the existing mine into greater compliance with current mining regulations, including Chapter 12, may be requested by the applicant in conjunction with one or more of the amendments authorized above.

(5) A mine development order amendment must be approved prior to commencing activities authorized by the zoning amendment. Review of the mine development order amendment will be limited to incorporating the specific changes approved by the zoning amendment.